

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID L. BELMONTE,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

Case No. 2:24-cv-01763-TSZ-TLF

REPORT AND
RECOMMENDATION

Noted for December 26, 2024

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge Theresa L. Fricke. Plaintiff David L. Belmonte, proceeding *pro se*, filed a proposed complaint on October 23, 2024. Dkt. 1. Plaintiff did not pay the filing fee or file an application to proceed *in forma pauperis* ("IFP"). See Dkt. 1.

On October 30, 2024, the Clerk of Court sent plaintiff a letter notifying plaintiff that he had failed to meet the filing fee requirement and had failed to submit a prison trust account statement. Dkt. 2. The Clerk of Court instructed plaintiff to submit the \$405.00 filing fee or an application to proceed IFP as well as a certified copy of his prison trust account statement showing transactions for the last six months. *Id.* The Clerk of Court warned plaintiff that if he did not respond to the letter by November 29, 2024, the action may be subject to dismissal. *Id.*

Plaintiff has not responded to the Clerk of Court's letter, has not paid the filing fee, and has not filed an application to proceed IFP or a prison trust account statement.

1 As plaintiff has failed to prosecute this case, the Court recommends this case be
2 dismissed without prejudice.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall
4 have fourteen (14) days from service of this report to file written objections. *See also*
5 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
6 purposes of *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can
7 result in a waiver of those objections for purposes of appeal. *See Thomas v. Arn*, 474
8 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations
9 omitted). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
10 directed to set the matter for consideration on **December 26, 2024**, as noted in the
11 caption.

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13 Dated this 10th day of December, 2024.

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Theresa L. Fricke
18 United States Magistrate Judge
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